

ASSEMBLY BILL

No. 1768

Introduced by Assembly Member Fong

February 14, 2014

An act to amend Section 8040 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1768, as introduced, Fong. Declaration of candidacy: residence address.

Existing law requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate. Existing law provides that a candidate for judicial office is not required to state his or her residence address on a declaration of candidacy. Existing law requires an elections official to verify whether a candidate's residence address is within the appropriate political subdivision and add a specified notation on the declaration of candidacy if the candidate does not state his or her residence address on the declaration. Existing law provides specified procedures to make a voter's registration information confidential, including a voter's residence address.

This bill would also exempt from the requirement to state a residence address on a declaration of candidacy a candidate for any office whose voter registration information is confidential, as specified. Because the bill would impose new duties on local elections officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8040 of the Elections Code is amended to read:

8040. (a) The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a candidate for nomination to the office of _____
District Number _____ to be voted for at the primary election to be held
_____, 20__, and declare the following to be true:

My name is _____.

I want my name and occupational designation to appear on the ballot as follows: _____.

Addresses:

Residence _____

Business _____

Mailing _____

Telephone numbers: Day _____ Evening _____

Web site: _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party preference, if required).

I am at present an incumbent of the following public office
(if any) _____.

If nominated, I will accept the nomination and not withdraw.

Signature of candidate

A candidate for voter-nominated office shall also complete all of the following:

1. I hereby certify that:

(a) At the time of presentation of this declaration, as shown by my current affidavit of registration, I have disclosed the following political party preference, if any: _____.

(b) My complete voter registration and party affiliation/preference history, from [10 years prior to current year] through the date of signing this document, is as follows:

Party Registration	County	Timeframe (by year)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(2) Pursuant to Section 8002.5 of the Elections Code, select one of the following:

_____ Party Preference: _____ (insert the name of the qualified political party as disclosed upon your affidavit of registration).

_____ Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration).

Dated this ____ day of _____, 20____.

Signature of candidate

State of California)
County of _____) ss.
_____)

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public (or other official)

Examined and certified by me this ____ day of _____, 20____.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper

1 place any declaration of candidacy in his or her possession which is entitled
2 to be filed under the provisions of the Elections Code Section 18202.

3
4 (b) A candidate for a judicial office ~~may, or a candidate for any~~
5 ~~office whose voter registration information is confidential under~~
6 ~~Section 2166, 2166.5, or 2166.7, shall not be required to state his~~
7 ~~or her residential residence address on the declaration of candidacy.~~
8 ~~However, in cases where the~~ If a candidate does not state his or
9 her ~~residential residence~~ address on the declaration of candidacy,
10 the elections official shall verify whether ~~his or her~~ the candidate's
11 address is within the appropriate political subdivision and add the
12 notation "verified" where appropriate *on the declaration*.

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.